

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KING TUTANKAMEN aka MIACHAEL
MAXWELL HILL,

Plaintiff,

V.

ALBERT PERRY,

Defendant.

Case Nos. 2:22-cv-01459, 2:22-cv-01493, 2:22-cv-01591, 2:22-cv-01592, 2:22-cv-01593, 2:22-cv-01596, 2:22-cv-01597, 2:22-cv-01599, 2:22-cv-01682, 2:22-cv-01833, 2:22-cv-01848, 2:22-cv-01849, 2:22-cv-01850, 2:22-cv-01852, 2:22-cv-01853, 2:22-cv-01855, 2:22-cv-01856, 2:22-cv-01857, 2:22-cv-01858, 2:22-cv-01859, 2:22-cv-01860, 2:22-cv-01874, 2:22-cv-01875, 2:22-cv-01876, 2:22-cv-01878, 2:22-cv-01879, 2:22-cv-01880, 2:22-cv-01881, 2:22-cv-01993, 2:22-cv-01994.

ORDER

A federal court may dismiss a complaint *sua sponte* pursuant to Fed.R.Civ.P. 12(b)(6) when the plaintiff clearly fails to state a claim upon which relief may be granted. See Omar v. Sealand Serv., Inc., 813 F.2d 986, 991 (9th Cir.1987) (“A trial court may dismiss a claim *sua sponte* under Fed.R.Civ.P. 12(b)(6) Such a dismissal may be made without notice where the claimant cannot possibly win relief.”) (internal citations omitted). A complaint is frivolous when it has no arguable basis in law or fact. Franklin v. Murphy, 745 F.2d 1221, 1228 (9th Cir. 1984) (generally addressing frivolous law suits brought by in forma pauperis applicants); see also Mallard v. United States Dist. Court, 490 U.S. 296, 307-08 (1989).

On November 30, 2022, this Court exercised its right, under the All Writs Act to issue an order declaring Plaintiff a vexatious litigant and requiring him to obtain leave of court before commencing any new action in this District. Molski v. Evergreen Dynasty Corp., 500 F.3d 1047,

1 1057 (9th Cir. 2007). A vexatious litigant is one who files numerous, harassing, duplicative
 2 lawsuits, and may raise in such lawsuits frivolous or unintelligible claims. De Long v. Hennessey,
 3 912 F.2d 1144, 1148 (9th Cir. 1990). In its order, the Court stated that “the exceptional number
 4 of filings across the last three months, coupled with their nonsensical nature, force the Court to
 5 declare Plaintiff a vexatious litigant. Plaintiff is likely to continue to abuse the judicial process
 6 absent this form of intervention, given the pattern of filing numerous, frivolous documents that
 7 require the Court to expend many judicial resources to the detriment of other litigants. Sanctions
 8 and mere dismissal of his current lawsuits will not deter Plaintiff from filling additional harassing
 9 and frivolous suits. As recently as September 2, 2022, this Court dismissed a case filed by Plaintiff:
 10 King Tutankamen v. Harvey, 2:22-cv-01219-RFB-EJY. Since then, Plaintiff has only renewed his
 11 efforts to file cases before this Court, presenting the same unintelligible contents.”

12 The above captioned matters were filed by the Plaintiff between September 8, 2022 and
 13 November 30, 2022.¹ The cases listed in the case caption here resemble Plaintiff’s previous filings
 14 with this Court. They read like fantasy stories. They reference various famous people and seem
 15 to be attempts at filing criminal cases (see ECF No. 1-1, 2:22-cv-1860), include stories about
 16 people threatening judges and using lewd language (see ECF No. 7, 2:22-cv-1458); and reference
 17 the criminal prosecution of various people or character (see ECF No. 4, 2:22-cv-1860). There is
 18 no relief requested that the Court *could* grant based on these unintelligible filings. Therefore, the
 19 Court finds *sua sponte* that these cases are frivolous as a matter of law, and that Plaintiff has failed
 20 to state a claim upon which relief may be granted. Mallard v. United States Dist. Court, 490 U.S.
 21 296, 307-08 (1989) (noting that Courts have the inherent power to dismiss a frivolous or malicious
 22 lawsuit).

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26 ¹ The Court notes that two of the above captioned cases, 2:22-cv-01993-RFB-EJY and
 27 2:22-cv-01994-RFB-EJY, were filed on November 30, 2022 and are brought by “Dr. Pope Francis
 28 Gates Sr. Zarth Asgarth/Dr. Michael D. Gates III/ Michael Maxwell Hill/ A. Asgarth/ Dr. Alfie
 Eden Gotenk Gates/ Poncho Crump(actual)/ Dr. Melinda AC Gates/ Dr. Bill R. Gates/ Commiss
 also known as King Michael Tutankhaman.”

1 For these reasons IT IS SO ORDERED that the above captioned matters are dismissed with
2 prejudice.

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4 **DATED: December 12, 2022**

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE